IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 922 of 2005 (S/S)

Smt. Asha Pant W/o Shri Madan Pant
Assistant Teacher L.T. Grade
Government Girls Inter College
Rajpur Road
Dehradun (Uttaranchal) … Petitioner

Versus

1. State of Uttaranchal through
   Secretary Education
   Uttaranchal, Dehradun
2. Additional Director of Education
   (Secondary Education)
   2 – Subhash Road
   Dehradun
3. Joint Director of Education
   Garhwal Region, Pauri Garhwal
4. District Education Officer
   Dehradun (Uttaranchal)
5. Principal
   Government Girls Inter College
   Rajpur Road
   Dehradun … Respondents

Sri Vinod Nautiyal, learned counsel for the petitioner
Sri Paresh Tripathi, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 29.06.2005 (annexure No. 7 to the petition) passed by the respondent No. 3 i.e. Joint Director of Education, Pauri Garhwal.

Brief facts giving rise to this petition are that the petitioner was appointed as Assistant Teacher (L.T. Grade) in Government Girls Inter College, Kalaghati, District Pauri Garhwal in the year 1985. Thereafter, the petitioner serving in many places was transferred from G.G.I.C. Pauri Garhwal to G.G.I.C. Rajpur Road, Dehradun vide transfer order No. L.T. 56 dated 10.07.2001.

Presently the petitioner is working G.G.I.C. Rajpur Road, Dehradun, on 05.07.2005, the petitioner came to know that she has been transferred from G.G.I.C Rajpur Road, Dehradun to Govt. Girls High School, Chham District Tehri Garhwal on the ground of *'Asangat Subject'* vide order dated 29.06.2005.

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has invited my attention towards the Government Order No. 718/XXIV (2)/2005 dated 13.05.2005 providing the Rules of Transfer of Teacher relating to Basic and Secondary Education.

I do not find any force in the argument advanced by the learned counsel for the petitioner.

In view of the submission advanced by the learned counsel for the petitioner as well as the documents filed by him along with this writ petition, I am of the opinion that the writ petition should be finally disposed of at this stage with the direction that the respondent No. 3 i.e. Joint Director of Education, Pauri Garhwal should decide the representation of the petitioner in the light of the Government Order dated 13.05.2005 which has been mentioned in the body of the judgment.

Accordingly, the writ petition is disposed of finally.

However, it is open for the petitioner to move representation before the respondent No. 3 provided that the petitioner shall file the certified copy of the judgment within a period of 10 days and the respondent No. 3 shall thereafter decide the representation of the petitioner within a period of 30 days by passing the speaking and reasoned order.

(B.C. Kandpal, J.)

12.07.2005
ASWAL